

**NORTHAMPTON BOROUGH COUNCIL**

**ALCOHOL & GAMBLING LICENSING SUB COMMITTEE**

A Meeting of the Alcohol & Gambling Licensing Sub-Committee will be held at The Council Chamber, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Tuesday, 22 January 2019 at 10:00 am

**George Candler**  
**Chief Executive**

**AGENDA**

- 1. WELCOMES**
- 2. DECLARATIONS OF INTEREST**
- 3. REVIEW OF PREMISES LICENCE - CRESCENT OFF-LICENCE, 179 WELLINGBOROUGH ROAD**
- 4. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

To consider whether the Committee should exclude the public from all or part of the hearing during consideration of any item listed above if the Panel believe that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public, in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

## PROCEDURES FOR LICENSING SUB-COMMITTEE HEARING

- **Welcome** – Chairman welcomes the Applicant, Representors, Responsible Authorities and Interested Parties and introduces members of the sub-committee (+ other officers e.g. Solicitor, Licensing Officer, Democratic Services Officer etc).
- **Declarations of Interest by Councillors**
- **Reason for Hearing** – to be outlined by the **Licensing Officer** or the **Chair**.
- **Format of the hearing** – an explanation of the format of the proceedings:
  1. **Applicant** (or his/her representative) will address the sub-committee first and put their case.
  2. **The Chair** leads an examination of the **Applicant's case**. First, the panel may ask questions and then the Chair invites Responsible and Interested Parties to participate. Questions may only relate to the points made by the applicant.
  3. **The Representors/Respondents** (and responsible and Interested Parties) then state their case.
  4. **The Chair** leads an examination of the **Representor's case**.

Each party will be given an equal maximum period of time in which to present their case and may, if given permission by the Chair, question any other party.

- **Summing Up**
  - By the Representors/Respondents
  - By the Applicant
- **Sub-committee retires** – and may call for the Solicitor for advice if required.
- **Sub-Committee deliver their decision and reasons for their decision at the conclusion of the meeting IF:**
  1. Application for conversion of existing licence
  2. Application for conversion of existing club certificate
  3. Application by holder of justices' licence for grant of personal licence
  4. Application for conversion and variation of premises licence (including variation of DPS)
  5. Application for conversion and variation of club premises certificate
  6. Counter notice following police objection to temporary event notice
  7. Review of Premises Licence following Closure Order

In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.

**If you require any further information regarding this meeting please contact Democratic Services on 01604 837722 or [democraticservices@northampton.gov](mailto:democraticservices@northampton.gov)**



## REVIEW OF PREMISES LICENCE

### Licensing Sub-Committee

Tuesday 22<sup>nd</sup> January 2019

#### 1.0 Purpose of Report

1.1 To consider a request from Northamptonshire Police for the Review of the Premises Licence for Crescent Off-Licence, 179 Wellingborough Road, Northampton.

#### 2.0 Summary

2.1 The review application was received on the 28<sup>th</sup> November 2018, a copy of which is attached as Appendix 1, and submitted in accordance with the licensing objective(s) for;

- The Prevention of Crime and Disorder; and,
- Public Safety

2.2 The current premises licence holder is Sumithira Kanthavel who has held the licence since 14<sup>th</sup> January 2013. A copy of the licence is attached as Appendix 2.

#### 3.0 Consultations/Representations

3.1 When a request for the review of a premises licence or club premises certificate is received the applicant must give notice of the request to the premises licence holder and the responsible authorities under the Act. Additionally, the Council as licensing authority must display a notice at or near the premises and on the council's website stating that a review has been requested. This gives responsible authorities and any other interested parties a 28 day period to make representations in relation to the review application.

3.2 The Council displayed the obligatory notice on the 29<sup>th</sup> November 2018. A copy of the notice is attached as Appendix 3.

3.3 During the 28 day period there have been no representations received from any other parties.

#### 4.0 Attendance

4.1 The local authority is required to request confirmation of attendance from all interested parties. The following have confirmed attendance;

PC Chris Stevens, Northamptonshire Police

Mr Duncan Craig, Citadel Chambers on behalf of the premises licence holder Sumithira Kanthavel.

## **5.0 Premises Licence Details**

5.1 Licence Number: PL0091

### **The current Licence Holder of the premises is:**

Mrs Sumithira Kanthavel

### **The current Designated Premises Supervisor is:**

Mrs Sumithira Kanthavel

Personal Licence Number PA2196

Issued by Northampton Borough Council

### **The premises is licensed for the following activities and times:**

#### **Off Sales of Alcohol:**

Monday – Saturday 08:00 – 23:00

Sunday – 10:00- 22:30

Good Friday – 08:00- 22:30

Bank Holiday – 08:00 – 22:30

Christmas Day – 12:00 – 15:00 & 19:00 – 22:30

## **6.0 Options**

6.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

The steps the Sub-Committee can take are to:

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding 3 months; and/or,

e) to revoke the licence.

6.2 For the purpose of a) above, the conditions are modified if any of them are altered or omitted or a new condition is added. Further, if the Sub-committee takes either of the steps at a) or b) above it may provide that the step only has effect for a limited period of up to 3 months.

## **7.0 Policy Considerations**

7.1 Northampton Borough Council Statement of Licensing Policy

7.2 s.182 Guidance Licensing Act 2003 (April 2018 edition)

Sections 11 & 13 give guidance for determination of this application.

Subsections 11.16 to 11.28 highlight the elements of the Guidance that are most relevant with respect to this application. This is not exhaustive and the guidance should be considered fully prior to making decisions with respect to applications.

## **8.0 Committee**

Each application must be considered on its own merits and action should only be taken if it is appropriate for the promotion of the licensing objectives. The Sub-committee should ensure that any steps which it takes are proportionate to address the issues giving rise to the review. Further, any conditions attached to the licence must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

<b>Appendix No</b>	<b>Title</b>
<b>1.</b>	Application
<b>2.</b>	Premises Licence PL0091
<b>3.</b>	Blue Notice
<b>4.</b>	Additional documents
<b>Report Author</b>	Eleanor Flannery Licensing Enforcement Officer

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I P.C 1432 Chris Stevens on behalf of the Chief Officer of Police for Northamptonshire

.....  
(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Crescent Off-Licence 179 Wellingborough Road		N. B. C POSTROOM/SCANNING  28 NOV 2018  RECEIVED
<b>Post town</b> Northampton	<b>Post code (if known)</b> NN1 4DY	
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mrs Sumithira Kanthavel		
<b>Number of premises licence or club premises certificate (if known)</b> PL0091		

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address P.C 1432 Chris Stevens, Northamptonshire Police C/O The Guildhall St Giles Street Northampton NN1 1DE
Telephone number (if any) 101 ext 345730
E-mail address (optional) Chris.Stevens@northants.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)

On behalf of the Chief Officer of Northamptonshire Police Mr ADDERLEY, I call for Review of the Premises Licence under the Licensing Objective of the Prevention of Crime and Disorder and Public Safety.

The basis for this review is an incident which took place on the 19<sup>th</sup> November 2018. At 22:06hrs Northamptonshire Police received a report from a member of the public that a large fight was occurring and that a metal pole was involved. Officers were deployed however by the time they had arrived the people involved had dispersed.

The initial investigation linked the incident to the Crescent Off-Licence and when Police arrived, they took one male to hospital to have his injuries seen to.

At 23:03hrs more reports were received that 2 males had emerged from the Off-Licence and were seen to be throwing bottles of alcohol at people. When officers re-attended, they have arrested three people linked to the premises and two other people on suspicion of affray.

Upon viewing the CCTV footage of the incident, it is apparent that the incident took place following a shoplifting by one of the people later involved. The Police believe that the actions of the premises owner and his associates were completely disproportionate to the nature of the theft and certainly the value of it. The CCTV footage shows the majority of the incident and the actions

The Police believe that as a result of the actions of the owner and his associates, numerous people were affected by the subsequent serious violence that took place and this significantly undermined the Licensing Objective stated above.



In order to prevent further incidents such as this from taking place, the Police consider that the sub committee should consider all options open to them including a revocation of the licence. In order to impose a lesser sanction, the sub-committee have to be confident that any lesser measures would be sufficient to mitigate the identified issues.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

In making this application, the Police intend to rely on the following:

- 1) CCTV footage of the incident.
- 2) Photographs of the scene.
- 3) Body Worn Video footage from one of the arresting officers.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature  1482  
.....

Date 23/11/18  
.....

Capacity Police Licensing Officer  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003  
**Premises Licence**

**PL0091**

**LOCAL AUTHORITY**



**Licensing Section  
The Guildhall  
St Giles Square  
NORTHAMPTON  
NN1 1DE**

Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**Crescent Off Licence**

179 Wellingborough Road, Northampton, Northamptonshire, NN1 4DY.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only			
	Monday-Saturday	8:00am	11:00pm
	Sunday	10:00am	10:30pm
	Bank Holiday	8:00am	10:30pm
	Good Friday	8:00am	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
N/A		

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Sumithira Kanthavel

54 Barry Road, Northampton, NN1 5JS.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**



**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Sumithira KANTHAVEL

54 Barry Road, Northampton, NN1 5JS.

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. PA2196

Issued by Northampton

**ANNEXES**

**ANNEX 1 - MANDATORY CONDITIONS**

**19 Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence -
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Conditions of Licensing Sub Committee 08.06.10**

1. Install CCTV within the premises with recordings being retained for no less than one month and to include the till area.
2. The premises adopts a "Challenge 25" policy.
3. No one under the age of 21 years be at the till for the sale of alcohol.



Solicitor to the Council

## LOCAL AUTHORITY



Licensing Section  
The Guildhall  
St Giles Square  
NORTHAMPTON  
NN1 1DE

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Crescent Off Licence**

179 Wellingborough Road, Northampton, Northamptonshire, NN1 4DY.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
N/A		

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Sumithira Kanthavel

54 Barry Road, Northampton, NN1 5JS.

## REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Sumithira KANTHAVEL

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





Bill payment  
Mobile top-up  
TV licence



**NORTHAMPTON  
BOROUGH COUNCIL**

**NORTHAMPTON BOROUGH COUNCIL**

**LICENSING ACT 2003**  
**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**

Northamptonshire Police a responsible authority has applied for the REVIEW of a Premises Licence under Section 51 of the Licensing Act 2003 in respect of Crescent Off Licence, 179 Wellington Road, Northampton, NN1 4DX.

The grounds for the review are to secure the Licensing Objectives of Preventing Crime and Disorder and Public Safety, due to incidents at the premises.

Any interested party or responsible authority wishing to make representation must do so in writing to the following address by 26<sup>th</sup> December 2018.

The Licensing Department  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

A copy of the application for the Review of the above Licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Friday 9am to 5pm, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine (£5,000) on the standard scale.

THIS NOTICE DATE: 29 November 2018



# PHOTOGRAPH



## NORTHAMPTONSHIRE POLICE

Exhibit Number... <i>RM2</i> .....	Name /Rank (Block Letters)
R v .....	.....
Description... <i>Metal Rose</i> .....	Signed.....
..... <i>Image</i> .....	Date.....
.....	Name /Rank (Block Letters)
.....	.....
Time / Date <del>Seized</del> / Produced	Signed.....
<i>20/11/18 0155</i> .....	Date.....
Where produced / <del>Seized</del>	Name /Rank (Block Letters)
<i>CSC - Northampton?</i> .....	.....
.....	Signed.....
<del>Seized</del> / Produced By	Date.....
<i>PC 605 Moran</i> .....	Name /Rank (Block Letters)
Signed <i>[Signature]</i> .....	.....
.....	Signed.....
Crime <i>18000560588</i> .....	Date.....
.....	.....
Incident.....	.....

